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and

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*Attorneys for Plaintiff*

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

INTEMPCO CONTROLS LTD.,

Plaintiff,

- against -

ENDRESS+HAUSER, INC.,  
ENDRESS+HAUSER WETZER (USA),  
INC., ROCKWELL AUTOMATION, INC.,  
PYROMATION, INC., JUMO GMBH &  
CO. KG, JUMO PROCESS CONTROL  
INC., TEL-TRU, INC., and TEL-TRU  
DOMESTIC INTERNATIONAL SALES  
CORP.,

Defendants.

Civil Action No. 2:10-cv-02152-SDW-MCA

**INTEMPCO CONTROLS LTD.'S ANSWER  
TO DEFENDANT JUMO GMBH & CO. KG'S  
COUNTERCLAIMS**

Plaintiff-Counterclaim-Defendant, Intempco Controls Ltd. ("Intempco"), by and through its undersigned counsel, as and for its Answer to the Counterclaims of Defendant-Counterclaim-Plaintiff JUMO GmbH & Co. KG ("JUMO GMBH"), states as follows:

## **ANSWER TO COUNTERCLAIMS**

### **THE PARTIES**

74. Intempco lacks knowledge or information sufficient to form a belief as to the truth or falsity of paragraph 74 of the Counterclaims.

75. Admits Intempco is a Canadian corporation having its principal Canadian place of business at 2511, Guenette, Montreal, (Quebec) Canada, and having its principal of business in the United States at 165 States Street, Suite C, Hackensack, New Jersey.

### **JURISDICTION AND VENUE**

76. Paragraph 76 of the Answer and Counterclaims contains legal conclusions to which no response is required.

77. Paragraph 77 of the Answer and Counterclaims contains legal conclusions to which no response is required. To the extent a response is required, Intempco admits it has appeared as a Plaintiff in this action and that it regularly conducts and solicits business in the state of New Jersey and derives substantial revenue from goods used or services rendered in the state of New Jersey and in this judicial district.

78. Paragraph 78 of the Answer and Counterclaims contains legal conclusions to which no response is required.

### **FIRST COUNTERCLAIM**

79. Intempco incorporates paragraphs 1-44 of the Amended Complaint and paragraphs 74-78 and the Affirmative Defense of its Answer as though fully set forth herein.

80. Admits JUMO GMBH seeks a declaratory judgment but denies that JUMO GMBH has not infringed the claims of U.S. Patent No. 7,223,014.

81. Admits Intempco is the owner of U.S. Patent No. 7,223,014 and respectfully refers the Court to the Amended Complaint for the contents thereof.

82. Admits there is an actual and justiciable controversy between Intempco and JUMO GMBH with respect to the infringement of the valid and enforceable U.S. Patent No. 7,223,014.

83. Denies.

### **SECOND COUNTERCLAIM**

84. Intempco incorporates paragraphs 1-44 of the Amended Complaint and Paragraphs 74-83 and the Affirmative Defense of its Answer as though fully set forth herein.

85. Admits JUMO GMBH seeks a declaratory judgment but denies that the claims of U.S. Patent No. 7,223,014 are invalid and unenforceable.

86. Admits Intempco is the owner of U.S. Patent No. 7,223,014 and respectfully refers the Court to the Amended Complaint for the contents thereof.

87. Denies the allegations of Paragraph 87 as no justiciable controversy exists between Intempco and JUMO GMBH with respect to the validity of U.S. Patent No. 7,223,014 because, *inter alia*, that patent is presumed valid under 35 U.S.C. § 282.

88. Denies.

### **AFFIRMATIVE DEFENSES**

Intempco asserts the following defense and reserves the right to amend its Answer as new information becomes available. The listing of any defense below shall not be construed as an admission that Intempco bears the burden of proof as to such defense:

#### **AFFIRMATIVE DEFENSE**

The Counterclaims fail to state a claim upon which relief may be granted.

#### **PRAYER FOR RELIEF**

WHEREFORE, Intempco demands the following relief:

- (i) Judgment in favor of Intempco;

- (ii) Judgment dismissing JUMO GMBH's Counterclaims with prejudice;
- (iii) Such other and further relief as the Court deems just and equitable.

Dated: August 9, 2010

Respectfully submitted,

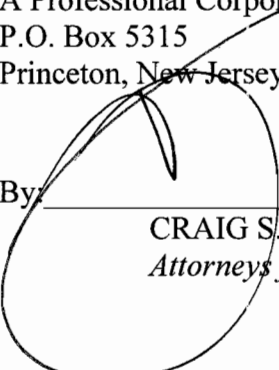
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